



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Gebrian et al

Docket: DCS-9178

Filed: 07/18/2003

Group Art Unit: 1743

Serial No.: 10/623,310

Examiner: Cross, Latoya L.

Title: Random Access Reagent Delivery System
For Use In An Automatic Clinical Analyzer

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 CFR 1.132

This Declaration forms part of a Response to the Examiner's non-final Office Action dated March 25, 2005, concerning the above identified application and in which claims 1-7 were rejected.

I hereby declare that:

1. My name and title and authorization are as stated below.
2. I understand that this Declaration is intended to overcome a 35 U. S. C. 102(e) rejection of the above identified patent application on the basis that the subject matter of an applied reference (U. S. Patent No. 6,723,288) and the claimed invention were, at the time the invention was made, owned by the same entity or were subject to an obligation of assignment to the same entity.

3. At the time the claimed invention was made, U. S. Patent No. 6,723,288), titled Method of Providing Assay Processing in a Multi-Analyzer System, was assigned to Dade Behring Inc., a corporation of Delaware, having a principal place of business at 1717 Deerfield Road, Deerfield, IL. A copy of such assignment, executed by the inventors thereof, on or about February 10, 2003, is attached to this Declaration.

*UJT
7-5-05*

4. The claimed invention, titled Random Access Reagent Delivery System For Use In An Automatic Clinical Analyzer, was made by ~~two~~ employees of said Dade Behring Inc., during the time frame of about 2002, and that their previously executed Employment Agreement required any inventions made during their employment be assigned to said Dade Behring Inc.

5. Shortly after the time the present application was filed on July 18, 2003, the application identified above was assigned to said Dade Behring Inc. by the inventors. A copy of such assignment, executed by the inventors thereof on or about September 3, 2003, is attached to this Declaration.

6. I believe that this Declaration comprises accurate and sufficient evidence that U. S. Patent No. 6,723,288 and the claimed invention were, at the time the invention was made, owned by the same entity or were subject to an obligation of assignment to the same entity.

7. The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Dade Behring Inc.

Cynthia G. Tymeson
Signature

June 23, 2005
Date

CYNTHIA G. TYMESON, ASSISTANT SECRETARY